

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. 3-09-71021 JCS
14 Plaintiff,)
15 v.)
16 ZHEN PAI LIU,)
17 Defendant.)
18

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(7)(A)) AND
EXTENDING TIME PURSUANT TO FED.
R. CRIM. P. 5.1

19 With the agreement of the parties, and with the consent of defendant Zhen Pai Liu, the
20 Court enters this order documenting (a) an exclusion of time under the Speedy Trial Act, 18
21 U.S.C. § 3161(b), from August 10, 2010, to September 24, 2010, and (b) an extension to
22 September 24, 2010, of the time for holding a preliminary hearing pursuant to Federal Rule of
23 Criminal Procedure 5.1. The parties agree, and the Court finds and holds, as follows:

24 1. Defendant Zhen Pai Liu has been charged by complaint. The parties agree to an
exclusion of time under the Speedy Trial Act. Defendant's counsel wishes to review discovery
25 materials and to consult with his client about those discovery materials and about the case.
26 Accordingly, failure to grant the requested continuance would unreasonably deny defendant's
27 counsel reasonable time necessary for effective preparation, taking into account the exercise of
28

1 due diligence, in this case.

2 2. Given these circumstances, the Court found that the ends of justice served by
3 excluding the period from August 10, 2010, to September 24, 2010, outweigh the best interest of
4 the public and the defendant in a speedy trial. Id. at § 3161(h)(7)(A). For the same reasons, the
5 Court found good cause to delay a preliminary hearing until September 24, 2010, pursuant to
6 Fed. R. Crim. P. 5.1(d). Defendant consented to this delay in the preliminary hearing.

7 3. Accordingly, and with the consent of the defendant, at the hearing on August 10,
8 2010, the Court ordered that the period from August 10, 2010, to September 24, 2010, be
9 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Also
10 with the consent of the defendant, the Court ordered that any preliminary hearing be continued
11 until September 24, 2010.

12 IT IS SO STIPULATED.

13

14 DATED: August 10, 2010

/s/
HUGH ANTHONY LEVINE _____
Attorney for Defendant

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17 DATED: August 10, 2010

/s/
ANDREW P. CAPUTO _____
Assistant United States Attorney

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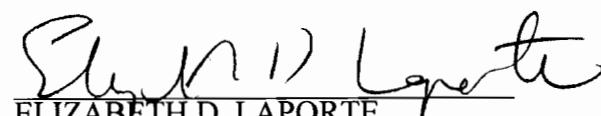
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20 [PROPOSED] ORDER

21 IT IS SO ORDERED.

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23 DATED: Aug 12, 2010


ELIZABETH D. LAPORTE
United States Magistrate Judge